

RECEIVED  
CENTRAL FAX CENTER

FEB 15 2007

Application No.: 10/647,453

**REMARKS**

Reexamination and reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Claims 1-20 are pending in this application. Independent claims 1, 13 and 18 have been amended. No new matter has been added to the application. Support for the amendments can be found in Figs. 4-6, 8-11, 14, 15, 18, 19 and 21-24. Also, claim 4 has been amended, as set forth below in response to the rejection under 35 U.S.C. § 112, to change "common member" to "a common member."

Applicant notes the Examiner's consideration of the information cited in the Information Disclosure Statements filed January 13, 2004 and April 21, 2006 as acknowledged in the Office Action. Applicant further notes the Examiner's acknowledgment of Applicant's claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

**Rejection Under 35 U.S.C. § 112**

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the term "common member" does not have antecedent basis in the claim. The term in claim 4 has been amended to recite "a common member". It is believed that by this amendment, the rejection is overcome.

**Rejection Under 35 U.S.C. § 102**

Claims 1-9, 12-16 and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ishida et al. (U.S. Patent No. 6,639,625). Independent claims 1, 13 and 18 have been amended to clarify the invention to specify that the detecting circuit detects whether the position of the driven member is or is not changed at a predetermined time. This feature of the invention

Application No.: 10/647,453

is not been disclosed or suggested by Ishida et al. The reference discloses that direction controller 63 drives drive mechanisms 61 and 62. The direction controller does not detect whether the position of the drive member is or is not changed at a predetermined time. The reference merely teaches calculating the amount that the drive mechanisms must operate to shift the optical axis of the image sensing optical unit 11 (col. 9, lines 40-53). As amended, the independent claims, and therefore the claims dependent thereon, distinguish over Ishida et al. Accordingly, claims 1-9, 12-16 and 18-20 under 35 U.S.C. § 102(e) would not be anticipated by Ishida et al. It is respectfully requested that the rejection be reconsidered and withdrawn.

#### Rejections Under 35 U.S.C. § 103

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishida et al. (U.S. Patent No. 6,639,625) and Ackermann et al. (U.S. Published Application No. 2001/0017665). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishida et al. and Suzuki (U.S. Patent No. 6,269,580). Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishida et al. and Emura (U.S. Patent No. 5,768,038). As noted *supra*, independent claims 1, 13 and 18 have been amended to more clearly define the function of the detection circuit as detect whether the position of the drive member is or is not changed at a predetermined time. Ishida et al. do not disclose or suggest this feature of the invention for the reason stated *supra*, which is incorporated herein by reference. The Ackermann et al., Suzuki and Emura references do not make up for the deficiency of Ishida et al.

Ackermann et al. discloses piezoelectric motors, but do not disclose or suggest using a detection circuit to detect whether the position of the driven member has or has not changed. Suzuki is directed to a motor-driven focusing apparatus which includes a processing/control

Application No.: 10/647,453

circuit 23 for controlling a single driven member. This circuit controls the focus state detecting system 20 and the focusing lens group driving system 30 to detect the focus state of the object image formed on a reference focal plane. While Suzuki teaches that the initial position of the focusing group is saved in RAM 24 after the start switch 27 is depressed and that a second position is again stored in RAM 24 if switch 27 is depressed again within 0.5 to 1 seconds (col. 6, lines 34-47), the focus state detecting system does not determine if the driven member is or has changed at a predetermined time. The position data is merely stored in RAM. Moreover, the data stored is erased if switch 27 is not pressed within 0.5 to 1 seconds (col. 6, lines 48-51). Thus, if the data is erased, the reference does not disclose or suggest that the focus state detecting system would be capable of determining whether the position of the drive member has or has not changed at a predetermined time as required that the amended independent claims. Also, Suzuki discloses controlling a single driven member as opposed to the claimed invention which requires controlling multiple driving members, and it does not suggest or disclose that multiple driven members can be controlled to detect the position of each driven member and determine that the positions of the members has or has not changed. As for Emura, the invention disclosed in this reference is directed to a device employing piezoelectric vibrators. There is no disclosure or suggestion in Emura of using a detection control circuit to control drive members as set forth in the present claims.

For all of the foregoing reasons, it is respectfully requested that the rejections of claims 10, 11 and 17 under 35 U.S.C. § 103(a) reconsidered and withdrawn.

RECEIVED  
CENTRAL FAX CENTER

Application No.: 10/647,453

FEB 15 2007

### Conclusion

For the foregoing reasons, it is submitted that the claims 1-20 as amended are patentable over the teachings of the prior art relied upon by the Examiner and satisfy the requirements of 35 U.S.C. § 112. Accordingly, favorable reconsideration of the claims is requested in light of the preceding amendments and remarks. Allowance of the claims is courteously solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,  
McDERMOTT, WILL & EMERY



Cameron K. Weiffenbach  
Registration No. 44,488

Please recognize our Customer No. 20277  
as our correspondence address.

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 CKW:jrj  
Facsimile: 202.756.8087  
Date: February 15, 2007

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper (including any paper referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.



Cameron K. Weiffenbach, Registration No. 44,488

Date: February 15, 2007